

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JOHN W. MILLER,
Plaintiff,

vs.

APPLE INC., et al.,
Defendants.

Case No.: 25cv1172

**PLAINTIFF'S MOTION TO STRIKE DEFENDANT APPLE INC.'S IMPROPER
FILINGS**

NOW COMES Plaintiff, John W. Miller, and respectfully moves this Court to **strike** all filings submitted by Defendant Apple Inc. on or after March 18, 2025, including but not limited to:

1. **Apple Inc.'s Motion to Dismiss (Docket Entry #37)**
2. **Apple Inc.'s Memorandum of Law in Support of Motion to Dismiss (Docket Entry #38)**
3. **Apple Inc.'s Rule 7.1 Corporate Disclosure Statement (Docket Entry #39)**

GROUND FOR THIS MOTION

1. **Apple Inc. Has Failed to File a Notice of Appearance**
 - A party's attorney **must** file a formal **Notice of Appearance** before making substantive filings. The docket reflects **no Notice of Appearance** filed by Apple Inc.'s attorneys as of March 19, 2025.
 - As a result, all filings by Apple Inc. **lack legal standing** and must be stricken.
2. **Apple Inc. Missed the March 18, 2025 Deadline to Respond**
 - Defendant was required to file a response **by March 18, 2025**. Since no proper appearance or timely response was filed, Apple Inc. remains **in default** under **FRCP Rule 55(a)**.
 - Any filings made **after the default deadline** should not be considered by the Court.
3. **Apple Inc. Is Already in Default Under FRCP Rule 55(b)(1)**

- The **prior default judgment remains unchallenged**, and Apple Inc. has **no authority** to participate in this proceeding under **federal law**.
- This Court **must uphold** the default and prevent Apple Inc. from improperly litigating a case where they have already defaulted.

4. Defendant Apple Inc. Is Barred From Participation Due to Prior Judicial Orders

- Magistrate Judge Paige J. Gossett **previously ordered** that Apple Inc. was excused from all litigation and negotiation with Plaintiff in the **South Carolina proceedings**.
- Apple Inc. cannot now **voluntarily re-enter litigation** while still bound by this prior order.

CONCLUSION

For the reasons stated above, Plaintiff respectfully requests that this Court **STRIKE** all improper filings submitted by Defendant Apple Inc. and uphold its **default status** under FRCP Rule 55.

RELIEF REQUESTED

Plaintiff respectfully requests the following relief:

1. An **Order striking** all filings submitted by Apple Inc. after March 18, 2025.
2. An **Order confirming Apple Inc.'s default** under FRCP Rule 55(a) and preventing further participation in this case.
3. Any other relief the Court deems just and proper.

Dated: March 19, 2025

Respectfully submitted,

/s/ John W. Miller

John W. Miller, American Inventor

33 Gill Rd.

Waltham, MA 02453

Phone: 510-710-5239

Email: jwmiller382@icloud.com